

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

YESICA PRADO, et al.,

Plaintiffs,

v.

CITY OF BERKELEY,

Defendant.

Case No. 23-cv-04537-EMC

**ORDER RE TRO AND PRELIMINARY  
INJUNCTION HEARING**

On September 5, 2023, Judge Gonzalez Rogers (acting as the duty judge) granted Plaintiffs' application for a temporary restraining order ("TRO"). *See* Docket No. 11 (order). The TRO is currently set to expire on September 15, 2023, absent further order from the Court. In addition, a briefing schedule was set for a hearing on a continued TRO and/or preliminary injunction. The Court hereby **MODIFIES** Judge Gonzalez Rogers's order as follows.

First, the Court modifies the expiration date for the TRO. Under Federal Rule of Civil Procedure 65(b)(2), a TRO may last for 14 days after entry. Here, that would be September 19, 2023. A TRO may then be extended for another 14 days if there is good cause. Here, that would be October 3, 2023. The Court finds that there is good cause to extend the TRO to at least September 27, 2023. This is the date that the Court sets for a hearing on a motion for preliminary injunction. There is good cause to extend the TRO because this case raises serious issues that warrant development of as full and complete a record as possible, not to mention briefing. Moreover, as a practical matter, the Court is unavailable for any hearing on either September 15 or 19.

1 Second, as noted above, the Court sets a hearing date for a motion for  
2 preliminary injunction: **September 27, 2023, at 10:30 a.m.** The Court deems  
3 Plaintiffs' motion for a TRO their motion for a preliminary injunction.

4 Third, the Court sets the briefing schedule as follows. The City's opposition  
5 brief shall be filed no later than September 13, 2023. Plaintiffs' reply shall be filed no  
6 later than noon of September 18, 2023.

7 Fourth, the Court orders Plaintiffs to **immediately** serve a copy of this order on  
8 the City. Given the expedited nature of the proceedings, the Court orders Plaintiffs to  
9 personally deliver a copy of this order (as well as the complaint, the motion for a  
10 TRO/preliminary injunction, and all supporting documents), unless they are able to  
11 establish good cause for service by other means. Plaintiffs may also serve  
12 a *courtesy* copy on the City by email (*e.g.*, to the City Attorney's office if they have  
13 such contact information). Within three days of the date of this order, Plaintiffs shall  
14 file a declaration certifying that the papers were served on the City and explaining how  
15 service was accomplished. If Plaintiffs have contact information for any attorney  
16 representing the City, they shall include such information in the declaration.

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18 **IT IS SO ORDERED.**

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20 Dated: September 5, 2023

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23 EDWARD M. CHEN  
24 United States District Judge  
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